

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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In Re:

Case No. 3:14-cv-00190-MMD

NATHAN L. TOPOL,

Debtor.

W. DONALD GIESEKE, Trustee of the
bankrupt estate of NATHAN L. TOPOL, an
individual,

BK Case No. BK-N-12-51014-btb

Adv. Proceeding No. 13-05066-btb

Plaintiff,

ORDER

v.

BYRON TOPOL,

Defendant.


Before the Court are the Motion for Order Staying Adversary Proceeding Pending Disposition of Motion to Withdraw the Reference ("Motion to Stay") (dkt. no. 4) and the Motion for Order Shortening Briefing Schedule on the Motion to Stay (dkt. no. 5). No response has been filed to either motion, and the Court determines that no response is needed.

The Motion to Stay requests that the Court stay the adversary proceedings, including Defendants' response to the complaint and discovery, pending a decision on the Motion to Withdraw the Reference (dkt. no. 2). However, the Court finds that there is no good reason to grant the requested stay. Regardless of the how the Court resolves the Motion to Withdraw the Reference, Defendants will need to respond to the complaint

1 and discovery will need to proceed. If the reference is withdrawn, the Bankruptcy
2 Court's decision on any motion to dismiss would be reviewed as a report and
3 recommendation under a *de novo* standard. Granting a stay will only further
4 unnecessarily delay the proceedings in this case, particularly given the Court's case
5 load and the number of cases with pending motions filed before the Motion to Withdraw
6 the Reference in this case.

7 It is therefore ordered that the Motion to Stay (dkt. no. 4) is denied. It is further
8 ordered that the Motion for Order Shortening Briefing Schedule (dkt. no. 5) is also
9 denied.

10 DATED THIS 10th day of July 2014.

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13 MIRANDA M. DU
14 UNITED STATES DISTRICT JUDGE
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